

REMARKS

Claims 12-14, 16, 18-20 and 32 are amended. Claims 15, 31, 33 and 34 are cancelled. Claim 36 is added. Claims 22-30 are withdrawn from consideration. Claims 12-14, 16, 30, 32, 33, 35 and 36 are now active and under consideration.

Claims 12-21 and 31-34 stand rejected under 35 USC 112, first paragraph.

However, in view of the above amendments, this ground of rejection is believed to be moot.

Claim 35 stands rejected under 35 USC 112, first paragraph.

However, this ground of rejection is respectfully traversed for the following reasons.

It is clear that the one skilled in the art would have been able to construct the claimed expression cassette of claim 35 from the present specification and information readily available to the public at the time the claimed invention was made.

Notably, the protein sequence deposited under GenBank accession number AAK06214 was available in 2001. See the "Sequence Revision History" from NCBI (attached herewith) which shows that protein AAK06214 was available as of February 9, 2001. The corresponding nucleotide sequence was also available then because the genome of *Lactococcus lactis* strain IL 1403 was also sequenced in 2001. See Bolotin *et al.*, "The complete genome sequence of the lactic acid bacterium *Lactococcus lactis* ssp. *Lactis* IL1403", Genome Res., 2001 May 11(5): 731-753. Further, the strain IL1403 is laboratory strain commonly used and widely accessible.

Thus, one skilled in the art would have no difficulty in obtaining the polynucleotide sequence encoding the protein AAK06214, or in reproducing it by chemical synthesis or by screening a DNA library of *Lactococcus lactis* strain IL1403 with probes and/or primers derived from sequence data available in GenBank database. Finally, after having obtained this sequence, the artisan would have no difficulty in incorporating the sequence into an expression cassette according to the claimed invention in order to reproduce the expression cassette of claim 35.

Application No. 10/525,449

Attorney Docket No. 40526U

Customer No. 50438

Hence, this ground of rejection is also deemed to be moot.

Accordingly, in view of all of the above, it is believed that this application is now in condition for allowance. Favorable consideration to this effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "William E. Beaumont". The signature is fluid and stylized, with the first and last names being more prominent than the middle initial.

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Revision history for AAK06214

| GI | Version | Update Date | Status | I | II |
|----------|---------|----------------------|--------|---|----|
| 12725171 | 1 | Feb 26 2009 8:26 AM | Live | ⊙ | ○ |
| 12725171 | 1 | Jun 2 2004 12:03 PM | Dead | ○ | ○ |
| 12725171 | 1 | May 14 2001 12:46 PM | Dead | ○ | ○ |
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Accession AAK06214 was first seen at NCBI on Feb 9 2001 4:25 PM

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Last update: Thu, 17 Dec 2009 Rev. 178872